

## **Remarks in Support of Patentability**

Applicant traverses, again, the restriction requirement and requests reconsideration of restriction in the application with claims 1 through 25, 35, 52 through 75 and 80 through 93 allegedly being drawn to an electrical modular power node classified in class 700, subclass 286; with claims 26 through 34, 36 through 45, 48 through 51 and 76 through 79 allegedly being drawn to a power bus back plane purportedly classified in class 361, subclass 788; and with claims 46 and 47 purportedly being drawn to a module classified in class 361, subclass 796.

Applicant further traverses the finding by the examiner of the inventions of these three groups being distinct each from the other, with the examiner's position being that the claims of group 1 and the claims of groups 2 and 3 are related as a combination and subcombination. The examiner contends that the combination as claimed does not require the particulars of the subcombination(s) as claimed because the combination allegedly has separate utility such as a power distribution control system, for example, in vehicle technology. Applicant further notes, but does not agree with, the examiner's contention that the subcombination has separate utility such as a backplane and a module where the backplane could allegedly be used as a buss panel in a network telecommunication system or a host system and the module could be used in any of a variety of electronic devices (the preceding paraphrases the examiner, in light of presence of typographical errors in the official action.)

Applicant traverses all of this as being speculative on the part of the examiner and failing to provide specific examples as required by the examiner in restriction practice.

The examiner has further stated that inventions 2 and 3 are related as subcombinations allegedly disclosed as usable together in a single combination and further asserts that the subcombinations of groups 1 and 2 are distinct from each other if they are shown to be separately usable. The examiner contends that group 2 has separate utility such as a buss panel which can be used in a telecommunication system whereas group 3 has separate utility such as use as a battery or power supply module. Again, applicant has paraphrased the examiner's characterization of the inventions in light of the typographical and grammatical errors in the official action.

Applicant traverses this restriction requirement in all of its respects and requests reconsideration.

The examiner further asserts that these inventions are distinct for the reasons given above and require a separate status in the art as shown by their different classification.

It may be true that the claims have acquired a separate status in the art as defined by the United States Patent and Trademark Office Manual of Patent Classification but this does not in any way affect the utility or usefulness of the products embodying the claims in the real world. Applicant respectfully submits that merely because there is a disclosed relationship among the claims and that because apparatus embodying one or more of the claims may be used with other apparatus embodying others of the claims, it is not necessarily true that the claims at issue, when embodied in real world apparatus, have acquired a different status in the art.

For all of these reasons, applicant traverses the restriction requirement and requests reconsideration thereof.

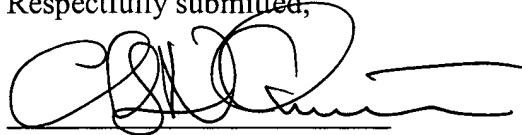
Without prejudice to the foregoing traverse and in an effort to move this application forward towards allowance, applicant notes that applicant is prepared to cancel claim 25 if the examiner's position is that claim 25 is not allowable and is subject to the restriction or election requirement as set forth on the "Office Action Summary". Alternatively, if claim 25 is allowed and has been included, as a result of a typographical error, as being subject to the restriction or election requirement as set forth under the "Office Action Summary", applicant is prepared to cancel the unallowed claims without prejudice to applicant's right to file a divisional application directed towards the claims of groups 2 and 3 in order to seek further prosecution of the same and to seek further reconsideration of the restriction requirement.

Applicant believes the foregoing addresses all matters outstanding in connection with this application and that upon clarification of the official action as requested above, appropriate action can be taken to put this application into form for allowance. Notification of the same is respectfully solicited.

All of the foregoing is without prejudice to applicant's right to petition against the restriction requirement and/or to file one or more divisional patent applications..

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

Respectfully submitted,



CHARLES N. QUINN  
Registration No. 27,223  
Attorney for Applicant

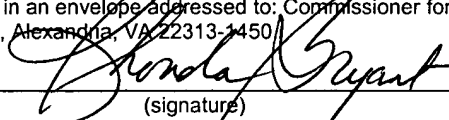
Date: August 24, 2005



Fox Rothschild LLP  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
Tel: 215-299-2135  
Fax: 215-299-2150  
email: [cquinn@foxrothschild.com](mailto:cquinn@foxrothschild.com)

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(signature)

BY:

RHONDA BRYANT

DATE:

AUGUST 24, 2005

